

**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**April 1, 2010**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 1, 2010, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: G. Nelson Van Fleet, Chair; Debra Miller Stevens, Vice Chair; David Dennis; Darrell Downing; Shawn Farney; David Foster; Bud Hentzen; Hoyt Hillman; Joe Johnson; Don Klausmeyer; Ronald Marnell; John W. McKay Jr.; M.S. Mitchell and Don Sherman. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Derrick Slocum, Associate Planner; Joe Lang, Chief Deputy City Attorney; Bob Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

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1. Approval of the prior MAPC meeting minutes:

*Meeting Date: None*

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2. **CONSIDERATION OF SUBDIVISION COMMITTEE RECOMMENDATIONS**

- 2-1. **SUB 2010-07: Final Plat -- MARTIN ACRES ADDITION**, located on the northeast corner of 231st Street West and 61st Street North.

**NOTE:** This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Andale Area of Influence.

**STAFF COMMENTS:**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- C. County Engineering has approved the applicant’s drainage plan.
- D. The plat denotes the dedication of a 60-foot right-of-way along both arterials in compliance with the Subdivision Committee requirement. The plat’s text on the final plat tracing shall note the dedication of the streets to and for the use of the public.

The Subdivision Committee has recommended granting a modification to the corner clip requirement at the intersection. The Subdivision Committee has found that strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

- E. The plat denotes two openings along 61<sup>st</sup> St. North and one opening along 231<sup>st</sup> West. The Subdivision Committee has approved the proposed access controls. The plat should be corrected to

include the label "150' access control except one opening."

- F. Sedgwick County Fire Department advises that the plat should comply with the requirements of the Sedgwick County Service Drive Code.
- G. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, and Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (14-0).  
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**2-2. SUB 2010-10: Final Plat -- NORTH ELEMENTARY SCHOOL ADDITION**, located north of 29th Street North and east of Seneca (extended).

**NOTE:** This is an unplatted site located within the City.

**STAFF COMMENTS:**

- A. City of Wichita Water Utilities Department advises that water and sewer services are available to serve the lot.
- B. City Stormwater Engineering has approved the drainage plan subject to revisions.
- C. The plat denotes two openings along Arkansas. Traffic Engineering has approved the access controls.
- D. Traffic Engineering has approved the dedication of 10-foot additional street right-of-way along Arkansas.
- E. County Surveying requests that the northeast corner of the southwest quarter is labeled.
- F. City Engineering requests a petition for the paving of 33<sup>rd</sup> North and Mascot to city standards.
- G. The Applicant has platted an 8-foot building setback along Mascot which represents an adjustment of the Zoning Code standards which requires a 20-foot rear yard setback for the SF-5 district. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.  
  
The Subdivision Committee has recommended granting a modification to the setback. The Subdivision Committee has found that strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.

- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (12-0-2).  
**DENNIS** and **JOHNSON** - Abstained.

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- 2-3. SUB 2010-15: One-Step Final Plat -- JAYHAWK LANDING ADDITION**, located on the east side of 119th Street West and south of 95th Street South.

**NOTE:** This site is located in the County in an area designated as "rural" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Clearwater Area of Influence.

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, County Code Enforcement recommends connection. The applicant intends to connect to rural water.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Engineering has approved the applicant's drainage plan.

- E. County Engineering has approved the access controls. The plat denotes one opening per lot.
- F. Sedgwick County Fire Department advises that the plat should comply with the requirements of the Sedgwick County Service Drive Code.
- G. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- H. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for both lots. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations. It has found that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- I. The reference to drainage and utility easements in the plat's text may be deleted.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental

jurisdiction concerning erosion and sediment control device requirements.

- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (14-0).

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**2-4. SUB 2010-16: One-Step Final Plat -- PRESTWICK COUNTRY ESTATES ADDITION,**  
located north of 111th Street South and east of 231st Street West.

**NOTE:** This site is located in the County in an area designated as “rural” by the Wichita-Sedgwick County Comprehensive Plan.

**STAFF COMMENTS:**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 5. If service is available, feasible and the property is eligible for service, County Code Enforcement recommends connection. The applicant intends to connect to rural water.
- C. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- D. County Engineering has approved the applicant’s drainage plan.
- E. Sedgwick County Fire Department advises that the plat should comply with the requirements of the Sedgwick County Service Drive Code.
- F. Lots 3 and 4, Block C do not conform to the 200-foot lot width standard which is measured at the building setback line. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations. It has found that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- H. County Surveying requests that the easement along the cul-de-sac on Lot 4 needs to be labeled.
- I. County Surveying requests that the easement along the west line of Lot 1, Block B needs located at the south end.

- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (14-0).

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- 2-5. SUB 2010-17: One-Step Final Plat -- FREUND ADDITION**, located on the west side of 151st Street West and north of 45th Street North.

**NOTE:** This site is located in the County within three miles of the City of Wichita in an area designated as "small city 2030 urban growth area" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Colwich Area of Influence.

**STAFF COMMENTS:**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. Wichita Water Utilities Department requests a petition for future sanitary sewer (main and lateral) for both lots being platted. Currently these lots are in the service area of the City of Colwich for water.
- C. In accordance with the Urban Fringe Development Standards, the subdivider shall contact the City of Colwich to determine the financial feasibility of connecting the proposed subdivision to the city water system. If financially feasible, the subdivision shall be connected to Colwich's water system in accordance with City of Colwich standards.
- D. If improvements are guaranteed by petition(s), a notarized certificate listing the petition(s) shall be submitted to the Planning Department for recording.
- E. County Engineering has approved the applicant's drainage plan. The floodplain language as specified in the Subdivision Regulations needs included in the plat's text: "FEMA floodplain and regulatory floodway boundaries are subject to periodic change, and such change may affect the intended land use within the subdivision."
- F. County Engineering has approved the access controls. The plat denotes one opening per lot.
- G. Sedgwick County Fire Department advises that the plat should comply with the requirements of the Sedgwick County Service Drive Code.
- H. County Surveying requests an onsite benchmark.
- I. A legend is needed on the plat.
- J. County Surveying requests that the east and south quarter corners of Section 22 are labeled.
- K. In accordance with the Kansas Wetland Mapping Conventions under the Memorandum of Understanding between the United States Department of Agriculture - Natural Resources Conservation Service; United States Environmental Protection Agency; United States Army Corps of Engineer (USACE); and United States Fish and Wildlife Service, this site has been identified as one with potential wetland hydrology. The USACE should be contacted (316-322-8247) to have a wetland determination completed.
- L. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 2. The Subdivision Committee recommends a modification of the design criteria in Article 7 of the Subdivision Regulations. It has found that the strict application of the design criteria will create an unwarranted hardship, the proposed modification is in harmony with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.
- M. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The Register of Deeds requires all names to be printed beneath the signatures on the plat and any associated documents.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the United States Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State National Pollutant Discharge Elimination System Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. A compact disc (CD) should be provided, which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send the information via e-mail to Cheryl Holloway (E-Mail address: [cholloway@wichita.gov](mailto:cholloway@wichita.gov)). Please include the name of the plat on the disc.

**MOTION:** To approve subject to the recommendation of the Subdivision Committee and staff recommendation.

**HILLMAN** moved, **HENTZEN** seconded the motion, and it carried (14-0).  
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### **3. PUBLIC HEARING – VACATION ITEMS**

#### **PUBLIC HEARINGS**

- 4. **Case No.: ZON2010-10** - HE Real Estate, LLC (owner) Mark O'Donnell (agent/applicant)  
Request City zone change request from LC Limited Commercial to GC General Commercial on property described as:

The North 50 feet of Lot 1, Ledford Addition to Wichita, Sedgwick County, Kansas.  
AND

The South 50 feet of the North 100 feet of Lot 1, Ledford Addition to Wichita, Sedgwick County, Kansas, generally located east of Market Street and north of Harry Street (1542 and 1546 S. Market St.).

**BACKGROUND:** The applicant is requesting GC General Commercial (“GC”) zoning on the platted approximately 0.33-acre LC Limited Commercial (“LC”) zoned site. The applicant is a manufacturing representative for a heating and air company which provides wholesale and business services to other companies/contractors. The proposed GC zoning would allow the applicant to build additional office and storage to expand their current business on this site. The Unified Zoning Code (UZC), Art II, Sec II-B, 3n & 14o, & Art III, Sec III-D-bb, defines the proposed use as “Construction Sales and Service,” wholesales and business services which is a permitted use in GC zoning.

The site is located in an area that has a mix of LC and GC zoning located on all four sides of the Harry & Market Streets’ intersection. Property abutting the south side of the site is zoned LC (ZON2001-84) and is developed as a Walgreen’s pharmacy (built 2003). Property abutting the north side of the site is zoned LC and GC and is developed as a Pawn Shop (1955), with a small, screened GC zoned outdoor storage area and B Multi-family Residential (“B”) paved parking facing Market. This parking extends north to Boston Avenue and, past the pawn shop, from Market east to Broadway Avenue. Property abutting the east side of the site is a pest control business/office/warehouse (2002) zoned GC (ZON2001-64). West of the site, across Market, are single-family residences (1882 – 1920) zoned SF-5 Single-Family Residential (“SF-5”) and TF-3 Two-Family/Duplex Residential (“TF-5”). The subject site has access onto Market, a one-way (north), two-lane urban collector. It has no direct access onto either Broadway Avenue, a minor arterial, or Harry, a principal arterial.

**CASE HISTORY:** The site is Lot 1, the Ledford Addition, which was recorded with the Register of Deeds May 22, 1967.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC, GC, B	Pawn Shop with small, screened outdoor storage area, parking
SOUTH:	LC	Walgreens pharmacy
EAST:	GC	Pest control business/office/ warehouse
WEST:	SF-5, TF-3	Single-Family Residences

**PUBLIC SERVICES:** The subject site has access onto Market, a one-way (north), two-lane urban collector, with a 75-foot right-of-way (ROW). Traffic to the site has to come from Harry Street, a four-lane major arterial, located approximately 250 feet south of the site. Traffic from the site has to proceed north on Market to Boston Avenue, a two-lane local street, to get to Broadway Avenue, a four-lane minor arterial or Main Street, a one-way (south) two-lane urban collector. All streets are paved and curbed. All utilities are available to this site. There are no Capital Improvement Projects scheduled for this area.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Functional Land Use Guide classifies the site as “Local Commercial.” The current LC zoning is in conformance with this classification. The requested GC zoning allows a broader range of uses by-right than the LC district (major auto dealerships, car wash, outside storage), some which may be less closely aligned with the intended designation of “local commercial.” However, the GC zoning district also permits less intense uses, such as the applicant’s wholesale heating and air company or business services or pest control businesses/offices/ warehouses, such as the one located to the east. Such GC uses may be no more intense than an LC permitted convenience store or drive-in restaurant, especially if built on the scale of the applicant’s site and the abutting pest business site; less than ½-acre. The commercial location guidelines of the Comprehensive Plan state that commercial uses should be located near arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The site has direct access onto Market Street an urban collector with close proximity to arterials (Harry Street and Broadway Avenue) and other

urban collectors (Main Street). However Market is a one-way street, which does restrict traffic to and from the site, unlike a full movement arterial or urban collector. The Plan states that commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. A Protective Overlay could address some of these development considerations as well as prohibiting some of the GC zoning district's more intense uses. Unlike the eastern abutting GC zoned pest control business/office/warehouse, the subject site is located east of (across Market) SF-5 and TF-3 zoned single-family residences.

The site is located in the adopted "South Central Neighborhood Plan." The Plan was approved by the MAPC April 20, 2006, by the Board of County Commissioner on May 10, 2006, as Resolution #72-06, and by the Wichita City Council on May 16, 2006, as Ordinance #47-033. The Plan covers approximately 1.8-square miles, with its boundaries being located between Kellogg Avenue on the north, the Arkansas River on the south and west, and Washington Avenue, a railroad ROW, and the Arkansas River on the east. The Plan noted that there is a lack of diversity in business development along Broadway, with car lots, bars and motels being common. The Plan states that these businesses do not provide direct goods and services to the neighborhood; in some cases they have had a significant and detrimental impact on Broadway and a negative impact on the residential areas. A stated goal of the Plan is to bring more variety of business to the area, including the development of vacant lots for something other than car sales lots, motels and bars. The applicant's business and expansion as a manufacturing representative for a heating and air company that provides wholesale and business services to other companies/contractors at this site meets the Plan's goal.

**RECOMMENDATION:** Based upon these factors and the information available prior to the public hearings, planning staff recommends that the requested GC General Commercial ("GC") be APPROVED subject to the following provisions of a Protective Overlay:

- A. No off-site or portable signs shall be permitted on the subject property. Signs shall be in accordance with the City of Wichita sign code for LC Limited Commercial ("LC") zoning, with the exception that signs shall be monument-style and limited to 20 feet in height. No LED signs shall be permitted.
- B. Any new light poles or lighting fixtures on the buildings shall be of the same color and design and shall have cut-off fixtures which direct light away from the adjacent, eastern residential zoned residences and the northern residential zoned properties. Light poles shall be limited to a maximum height, including the base of the light pole of 15 feet. Light poles shall not be located within the western platted 35-foot setback.
- C. Outdoor speakers and sound amplification systems shall not be permitted.
- D. No buildings shall exceed one story in height with a maximum building height of 35 feet.
- E. Landscaping shall be installed that meets the Landscape Ordinance. A landscape plan shall be prepared by a licensed landscape architect, to be reviewed and approved by the Planning Department.
- F. The following uses shall not be permitted: hotel or motel; pawn shop; rodeo; riding academy or stable; tattooing or body piercing facility; vehicle and equipment sales; asphalt or concrete plant; outdoor storage; vehicle storage yard; adult entertainment establishment; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; kennel, night club; indoor and outdoor recreation and entertainment; restaurant with drive-in or drive-thru facilities; service station; tavern and drinking establishment.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located in an area that has a mix of LC and GC zoning located on all four sides of the Harry & Market Streets' intersection. Property abutting the south side of the site is zoned LC and is developed as a Walgreen's pharmacy (built 2003). Property abutting the north side of the site is zoned LC and GC and is

developed as a Pawn Shop (1955), with a small, screened GC zoned outdoor storage area and B Multi-family Residential (“B”) paved parking facing Market. This parking extends north to Boston Avenue and, past the pawn shop, from Market east to Broadway Avenue. Property abutting the east side of the site is a pest control business/office/ warehouse (built in 2002) zoned GC (ZON2001-64). West of the site, across Market are single-family residences (1882 – 1920) zoned SF-5 Single-Family Residential (“SF-5”) and TF-3 Two-Family/Duplex Residential (“TF-5”). The subject site has access onto Market, a one-way (north), two-lane urban collector. The site does not have direct access onto either Broadway Avenue, a minor arterial, or Harry, a principal arterial.

2. The suitability of the subject property for the uses to which it has been restricted: The 2030 Functional Land Use Guide classifies the site as “Local Commercial.” The current LC zoning is in conformance with this classification. The site has direct access onto Market Street an urban collector with close proximity to arterials (Harry Street and Broadway Avenue) and other urban collectors (Main Street). However Market is a one-way street, which does restrict traffic to and from the site, unlike full movement arterials or urban collectors.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed GC zoning will not introduce a new zoning into the area, as established GC zoned sites are located on all four corners of the Harry Street and Broadway Avenue intersection, although none of this existing GC zoning extends to the next blocks/streets located east (Topeka Avenue) and west (Market Street) of Broadway. This section of Harry Street is pretty much stripped out with mostly small LC zoned properties, with the subject site being one of the deeper penetrations of LC zoning off of Harry. The proposed Protective Overlay attempts to limit noise, lighting and other aspects of commercial activity that may adversely impact the adjacent, eastern single-family residences as well as prohibiting some of the GC zoning district’s more intense uses.
4. Conformance of the requested change to the adopted or recognized Plans: The 2030 Functional Land Use Guide classifies the site as “Local Commercial.” The current LC zoning is in conformance with this classification. The requested GC zoning allows a broader range of uses by-right (auto dealerships, car wash, outside storage), some which may be less closely aligned with the intended function of the “local commercial” designation. However, the GC zoning district also permits uses, such as the applicant’s wholesale heating and air conditioning company, business services and the eastern abutting pest control business/office/warehouse. Those uses may be no more intense than an LC permitted convenience store or a restaurant, especially if built on the scale of the applicant’s site and the abutting pest business site; less than ½-acre. The commercial location guidelines of the Comprehensive Plan state that commercial uses should be located near arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The site has direct access onto Market Street an urban collector with close proximity to arterials (Harry Street and Broadway Avenue) and other urban collectors (Main Street). However Market is a one-way street, which does restrict traffic to and from the site, unlike a full movement arterial or urban collector. The Plan states that commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. A Protective Overlay could address some of these development considerations as well as prohibiting some of the GC zoning districts more intense uses. Unlike the eastern abutting GC zoned pest control business/office/ warehouse, the subject site is located east of (across Market) from SF-5 and TF-3 zoned single-family residences.

The site is located in the adopted “South Central Neighborhood Plan.” The Plan was approved by the MAPC April 20, 2006, by the Board of County Commissioners, May 10, 2006, as Resolution #72-06, and by the Wichita City Council, May 16, 2006, as Ordinance #47-033. The Plan covers approximately 1.8-square miles, with its boundaries being located between Kellogg Avenue on the north, the Arkansas River on the south and west, and Washington Avenue, a railroad ROW,

and the Arkansas River on the east. The Plan has noted that there is a lack of diversity in business development along Broadway, with car lots, bars and motels being common. The Plan states these businesses do not provide direct goods and services to the neighborhood, and, in some cases, have had a significant and detrimental impact on Broadway and a negative impact on the residential areas. A stated goal of the Plan is to bring more variety of business to the area, including the development of vacant lots for something other than car sales lots, motels and bars. The applicant's business and expansion as a manufacturing representative for a heating and air company which provides wholesale and business services to other companies/contractors at this site meets the Plan's goal.

5. Impact of the proposed development on community facilities: As proposed impact on community facilities should be no more than what an LC zoned site would have on them.

**BILL LONGNECKER**, Planning Staff presented the Staff Report.

**MOTION**: To approve subject to staff recommendation.

**JOHNSON** moved, **KLAUSMEYER** seconded the motion, and it carried (14-0).

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5. **Case No.: CON2010-11** - Kaleb Investment Properties, LLC (Owner/Applicant) Michael Fieser (Agent) requests a City Conditional Use for dog grooming (Animal Care, Limited), on property zoned GO General Office on property described as:

Part of Lot 1, Williams 2nd Addition, Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at the Southeast corner of said Lot 1; thence North 85 feet; thence West 46 feet; thence South 16.50 feet; thence West 16.50 feet; thence South 10 feet; thence West 13 feet; thence South 23.50 feet; thence West to the West line; thence South to the Southwest corner; thence East to beginning, generally located west of Oliver Avenue, 350 feet north of Central Avenue.

**BACKGROUND**: The applicant is requesting a Conditional Use permit to allow "animal care, limited" (pet grooming) on a 0.17-acre lot located northwest of the intersection of North Oliver Avenue and East Central Avenue (Lot 1, Williams 2<sup>nd</sup> Addition). The site is currently zoned GO General Office ("GO"). The applicant proposes to use an existing structure for the use. Access would be off Oliver Avenue. There are three parking spaces on the lot; however, there are 27 additional spaces on property located north of the subject site, also owned by the applicant. There would not be any outdoor runs or kennels, nor will there be any boarding or day care of any kind with the proposed operation.

The applicant's site plan depicts the proposed use as being located in the south quadrant of the site with parking located along the north side of the existing building. The existing building, shown on the site plan, conforms to all applicable setbacks. The site plan depicts 30 total parking spaces. The site plan shows two uses on the site, the existing structure for the proposed pet grooming use and an apartment complex. The code calls for four spaces per 1,000 square feet of building area for the pet grooming use and 1.25 spaces per efficiency and one-bedroom dwelling unit. The current and proposed uses on the site require a total of 30 parking spaces. The number of existing parking spaces meets the minimum number required. Two access points off of Oliver are shown in the eastern portion of the site's street frontage, which is consistent with existing platted access controls.

The zoning of the surrounding property ranges from TF-3 Two-family Residential ("TF-3") to LC Limited Commercial ("LC"). Property to the north is zoned GO and TF-3, and is developed with apartments and a single-family residence. Property to the east of the subject site, across North Oliver, is zoned LC and B Multi-family Residential ("B"), and is currently developed with a fast food restaurant

and a single-family residence. Property to the south of the subject site is zoned LC, and is developed with an office building. Property to the west of the subject site is zoned TF-3, and is developed with single-family residences.

The GO district permits a single tenant pole or ground sign up to 32 square feet in area with a maximum sign height of 22 feet. No ground sign may be located within 15 feet of an adjacent property. Lighting is limited to indirect or internal white light. Flashing or moving images are prohibited. Building signs are also limited to a maximum of 32 square feet and a height of 30 feet. One building sign per elevation is permitted provided that the sign is facing a street or nonresidential zoning or have 150 feet of parking, loading or open space between the sign and residentially zoned land.

“Animal Care, Limited” is a use permitted in the GO zone district only with a “Conditional Use” subject to the following conditions: 1) no noise or odor shall be discernable at the property line, 2) treatment of animals shall be limited to dogs, cats and other small animals and 3) all animals shall be harbored indoors.

**CASE HISTORY:** The subject site is a part of the Williams 2<sup>nd</sup> Addition which was platted on June 17, 1976. The subject site is currently developed with an office use and garden apartments.

**ADJACENT ZONING AND LAND USE:**

NORTH:	TF-3	Residences
EAST:	LC	Restaurant
SOUTH:	LC	Office
WEST:	TF-3	Residences

**PUBLIC SERVICES:** All utilities are available to the subject site. The subject site is accessed off of North Oliver Avenue, a paved, four lane minor arterial with approximately 31,800 Average Daily Trips (ADT's) at its intersection with Central Avenue, just south of the subject site. East Central Avenue is a paved five lane principal arterial with approximately 36,500 ADT's.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” “This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the Commercial/Office Objective to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as Strategy III.B.6 recommends that traffic generated by commercial activities be channeled to the closest major thoroughfare with minimum impact upon local residential streets.

Commercial Locational Guideline #1 of the *Comprehensive Plan* recommends that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The proposed development complies with this guideline. Commercial Locational Guidelines #3 recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use; #5 commercially-generated traffic should not feed directly onto local residential streets and #6 commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The applicant shall develop the site in substantial compliance with the adopted site plan, and shall comply with all applicable regulations, including but not limited to Sec. III-D.6.c of the Unified Zoning Code.
2. The uses permitted on the site shall be restricted to “animal care, limited” and “GO” General Office uses.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: The zoning of the surrounding property is range from TF-3 to LC. Property to the north is zoned GO and TF-3 and is developed with apartments and a single-family residence. Property to the east of the subject site, across North Oliver, is zoned LC and B and is currently developed with a fast food restaurant and a single-family residence. Property to the south of the subject site is zoned LC, and is developed with an office building. Property to the west of the subject site is zoned TF-3 and is developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned GO General Office. The GO district permits a wide range of uses that could be appropriate at this location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this request should not detrimentally affect nearby properties given the fact that all services associated with this use must be conducted inside.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval adds a potential use that could be developed on the site, thereby bringing a service closer to potential clients. Denial presumably would be an economic loss to the property owner.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” “This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” In terms of conformance with commercial goals/objectives/strategies and locational guidelines, the application conforms with the Commercial/Office Objective to “develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as Strategy III.B.6 recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.
6. Impact of the proposed development on community facilities: All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

**DERRICK SLOCUM**, Planning Staff presented the Staff Report.

**MOTION:** To approve subject to staff recommendation.

**JOHNSON** moved, **KLAUSMEYER** seconded the motion, and it carried (14-0).

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**NON-PUBLIC HEARING ITEMS**

**6. Other Matters/Adjournment**

- 6-1. DER2010-00004:** Request to Amend Disposition Supplement No. 4 to the General Urban Renewal Plan of November 27, 1972, for the Wichita NDP Urban Renewal Plan Area. RE: Four parcels located west of Wichita Street, south of 2nd Street N. and north and south of 1st Street N.

**Request:**

A request has been received from Larry Weber, Vice President, Builders Inc. to amend the General Urban Renewal Plan of November 27, 1972, for the Wichita Neighborhood Development Program (NDP) Urban Renewal Plan Area, as it pertains to four parcels of land owned by Builders Inc. and located adjacent to N. Wichita Street and W. 1<sup>st</sup> Street (see Map 1). These four parcels were recently rezoned to CBD Central Business District in order to allow for mixed use commercial development without prescribed building setback requirements and off-street parking requirements. The 1972 General Urban Renewal Plan and Disposition Supplement No. 4 is applicable to these parcels and contains various land use, building, signage and off-street parking provisions / standards that are contrary to the current zoning requirements for these properties. Mr. Weber has indicated that the General Urban Renewal Plan requirements are inflexible and problematic for the finalization of a future development plan concept for these parcels. A General Urban Renewal Plan amendment is requested that would allow the current CBD Central Business District zoning requirements of the City of Wichita Unified Zoning Code, and guidance from the Wichita-Sedgwick County Comprehensive Plan to prevail (see Resolution and Exhibit "A").

**Background:**

The General Urban Renewal Plan for the Wichita NDP, Urban Renewal Area was adopted on November 27, 1972. The Plan contains a General Land Use Plan map, a description of land use categories, planning standards, and a description of techniques to achieve the objectives of the Plan. Generally speaking, the Plan objectives are to create a "physical character and environment meeting desirable planning standards, the provision of needed public services and amenities, and the improvement of social and economic conditions."

The standards in the General Urban Renewal Plan (URP) apply to any property that has been owned (past or present) by either the City or the former Urban Renewal Authority. Over the years, several amendments have been made to the URP in order to accommodate various redevelopment projects in downtown Wichita that were not consistent with the land use, building, signage and off-street parking requirements stipulated in the URP. Since 1990, URP amendments have been made to accommodate the following downtown Wichita development projects: Old Town (1991); Ice Rink (1995); WaterWalk (1996); Exploration Place and West Bank Amphitheater (1996); and, Hyatt Hotel (1998).

According to K.S.A. 17-4747, any amendment to the General Urban Renewal Plan must be submitted to the appropriate planning commission for review and recommendation to the city council as to the amendment's conformity with the general plan for the development of the community as a whole.

**Analysis:**

The properties subject of the URP amendment request fall within the Administration Center Project Area. The properties are currently designated as "Mixed Use" on the URP General Land Use Plan map (see Map 1). Land uses are limited to government/public, office, commercial/retail, multi-family housing and

transient housing. Problematic building, off-street parking, signage and landscaping/site design requirements include: 20% of the lot area to be dedicated for pedestrian and vehicular circulation; minimum off-street parking requirements of 4 spaces per 1000 gross square feet of floor area; commercial signage restrictions that differ from the current city sign code provisions; and, unspecified landscaping requirements.

This request to amend the General Urban Renewal Plan raises questions regarding the relevancy and continued usefulness of the URP provisions / standards developed almost 40 years ago, that are not consistent with current zoning requirements and land use planning policy direction. Since 1972, more recent, detailed planning for downtown Wichita has occurred via the Old Town Development Plan (1983), the Development Plan for Downtown Wichita (1989), the Old Town Overlay District (1991), Architectural Design Guidelines for Old Town (1998), the Delano Neighborhood Revitalization Plan (2001), the Arena Neighborhood Redevelopment Plan (2007), and now the Downtown Revitalization Master Plan initiative currently in progress. The Wichita-Sedgwick County Comprehensive Plan has designated the functional land use category for downtown Wichita as “Downtown Regional Center”. This functional land use classification provides the following planning guidance:

*“This area encompasses the central business district area of Wichita that is intended to serve as a residential, employment, entertainment, cultural and government center for the City. Much of this area is covered by the Development Plan for Downtown Wichita, a conceptual redevelopment guide formally adopted in 1989 by the Metropolitan Area Planning Commission. Portions of this area are currently undergoing redevelopment as part of City Council’s “core area initiative”. Since the downtown core area has received much detailed study from groups specifically established to study the downtown, the Comprehensive Plan does not address this area in any specific detail.”*

The proposed URP amendment request is deemed appropriate and reasonable by staff (see Resolution and Exhibit “A”). The URP amendment would create a new category of use in the Administration Center Project Area “Land Use Plan” for the requested properties. The new category of use is designated as “Deferred Use” and exempts that category of use property from the Urban Renewal requirements (all land use provisions, building requirements, rehabilitation of existing structures, circulation requirements, redeveloper’s obligations, design objectives, and procedures) and makes the property subject only to the UZC and Subdivision Regulations and the Wichita-Sedgwick County Comprehensive Plan. The net effect of this amendment is to allow the underlying zoning requirements of the City of Wichita Unified Zoning Code, and planning guidance from the Comprehensive plan (including any adopted neighborhood or area plans) to prevail.

City staff is currently evaluating the relevancy and continued usefulness of the URP provisions / standards as they apply throughout the entire URP area, and the merits of a possible wholesale URP amendment similar to this amendment under consideration by the Commission. There are some economic development and legal advantages for the City in retaining elements of the General Urban Renewal Plan.

**Recommendation:**

That the Metropolitan Area Planning Commission recommend to the Governing Body that the proposed amendment to Disposition Supplement No. 4 to the General Urban Renewal Plan is in conformance with the Wichita-Sedgwick County Metropolitan Area Comprehensive Plan, and that the proposed amendment should be approved.

Attachments:                   Map 1  
                                          URP Amending Resolution and Exhibit “A”

**DAVE BARBER**, Planning Staff presented the Staff Report.

**MILLER STEVENS** said by approving this amendment she is concerned that the deferred use designation will come back to the Commission time after time, and that the deferred use approach will become a piece meal type action. She asked if the Commission agrees that this amendment is in compliance with the Comprehensive Plan, and are they laying priority of one plan over another? She said this could create a very convoluted situation, and said she is concerned how this is all going to play out down the line.

**BARBER** commented that staff is looking at a broader approach and evaluating the relevancy and continued use of the Urban Renewal Plan in general. He said they are using this particular request as a prototype to a broader approach that can be taken for the entire Urban Renewal Area, leaving the framework of the Plan in place, but deferring the antiquated standards and provisions to underlying City zoning and any applicable area or neighborhood plans that may be in effect. He said staff is working with the Law Department on this issue. He asked Mr. Lang if he had any supplemental comments.

**JOE LANG, CHIEF DEPUTY CITY ATTORNEY** said when the City took over the urban renewal function in the early 1980's there were a number of items that needed to be cleaned up where the agency had gotten behind on amendments and filings and so forth. He said the Plan was still pretty active throughout the 1980's because there was still development going on. He said since then, the City has been mostly reactive to the Plan in terms of changes more than amendments because the uses for property were different than what the Urban Renewal Plan allowed for. The Plan no longer serves as a real guide for new development. He said City staff is conducting an overall assessment of the Plan. He commented that there are advantages to keeping the Urban Renewal Plan and the City's authority under the Urban Renewal Act and a number of other acts. He said certain urban development projects and grants are based on the City having an Urban Renewal Plan, so the City may not want to completely throw the Plan out. He said that is why staff is reviewing it right now.

**MILLER STEVENS** asked if staff knew what the proposed development is for the applicant's property?

**LARRY WEBER, VICE PRESIDENT, BUILDERS, INC. AND MANAGER OF THE GARVEY CENTER, 250 WEST DOUGLAS** said at this time they are preparing the land for development. He said they have developed a lot of land downtown and that this piece of land has sat dormant for many years, and they have decided to try to do something with it. He said once the property was rezoned to CBD -Central Business District, they found it was still subject to the provisions of the Urban Renewal Plan that limit development options otherwise allowed under the CBD zoning. He said he can't specifically tell the Commission what will be developed on the property, but said he is trying to get it into a position for development. He said Urban Renewal Plan setbacks and parking requirements preclude certain types of development options. He said he has different requirements on different pieces of land, and is attempting to get everything consistent.

**HILLMAN** said staff has done a good job of pointing out the fact that the City really doesn't have a current Comprehensive Plan for the new downtown area. He commented that the boundaries of downtown development in the Comprehensive Plan have changed in 30-40 years. He said this is an opportunity to look at this and make some adjustments. He said urban development will change and this has proved to be a detriment to the growth process rather than an enhancement. He said he would like to hear Mr. Barber's recommendations for taking a Comprehensive Plan seriously for both the City and County.

**BARBER** said staff definitely advocates for the Comprehensive Plan which can be a great guidance tool. He said he thought it was important to note that all of downtown falls within the Downtown Redevelopment Master Plan area which will provide more specific guidance to this part of the urban renewal area. He said a great portion of the urban renewal area falls outside of downtown and has the same problems, but to a lesser extent because there is less activity going on and the area has largely been built out. He said there is a lot of change going on in the downtown area, and added that it was appropriate to have a current and up-to-date Comprehensive Plan for the entire community.

**HILLMAN** asked if it would be useful at this time to request Advance Plans to begin working on an update to the Comprehensive Plan that would incorporate some of the materials that will be coming to the Commission in the next couple of months. He said that perhaps later this fall or in early 2011, a new City/County Comprehensive Plan could be adopted that has teeth in it, so it won't be tossed aside each time a new official is elected.

**DIRECTOR SCHELGEL** commented that staff has been working with the Advance Plans Committee for the past two years on how to get a new Comprehensive Plan initiated. He said staff was planning on accomplishing that last year and this year. However, other City/County priorities took precedence and the project has been deferred. He said as part of the Department's 2011 budget request to the City and County governing bodies, funds have been requested to hire a consultant or additional staff to get a new Comprehensive Plan initiated and completed.

**HILLMAN** said he applauded staff's efforts and hoped that a new Plan can get done.

**MITCHELL** asked how many development plans cover these particular sites that are under consideration today.

**BARBER** replied that quite a few plans currently cover the downtown and inner City area. He said he believes this particular property falls between the cracks of a few plans. He said much of downtown area is covered by the 1989 Downtown Plan, which is now being updated. He said the surrounding areas are covered by the Delano Neighborhood Plan, the Historic Midtown Neighborhood Plan, the Center City Neighborhood Plan, the South Central Neighborhood Plan, the McAdams Neighborhood Plan. He said approximately 75% of the Urban Renewal Area is covered by neighborhood or other area plans adopted as elements of the Comprehensive Plan. He said he believes the City is well positioned in terms of more detailed and relevant planning subsequent to the 1970's Urban Renewal Plan effort.

**MITCHELL** commented as to whether more detailed planning is good.

**BARBER** said he believed a lot of the premises in the Urban Renewal Plan are antiquated by current, contemporary planning standards. Today there is a different approach to downtown development than there was back in the 1960's and 1970's in terms of building setbacks from property lines, mixed use concepts and numerous other items. He said most of the neighborhood plans are less than ten years old, so they are still relevant.

**MITCHELL** asked if any of the plans had sunset dates?

**BARBER** said no, but they are subject to amendment.

**DENNIS** said he agreed there was a problem getting an updated Comprehensive Plan; however, he said that was not the issue in front of the Commission right now.

**MOTION:** To recommend that the amendment to Disposition Supplement No. 4 to the General Urban Renewal Plan is in conformance with the Wichita-Sedgwick County Metropolitan Area Comprehensive Plan.

**DENNIS** moved, **JOHNSON** seconded the motion, and it carried (14-0).

**FOSTER** mentioned several items related to the amending resolution including the year the Urban Renewal Plan was filed with the County Register of deeds.

**LANG** verified that the year was 1982.

**MILLER STEVENS** said she wanted to be clear of the repercussions of negating the Urban Renewal Plan standards for this property.

**LANG** said this has been done frequently in the past on specific properties. He added that the Urban Renewal Plan standards have been removed entirely for the Century II area. He said amendments to the Urban Renewal Plan will continue to proceed on a piece meal, development-needs basis, until the broader issue of the relevancy of the Urban Renewal Plan is resolved.

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**Other Matters**

**MILLER STEVENS** said she met with the City Manager this past week and although many deadlines have come and gone, the new policy should be in place soon. She said she remains optimistic and will continue to follow-up.

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The Metropolitan Area Planning Department informally adjourned at 2:00 p.m.

State of Kansas            )  
Sedgwick County        ) <sup>SS</sup>

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)